

20938. Misbranding of tomato paste. U. S. v. 214 Cases * * *. (F. D. C. No. 35933. Sample No. 8595-L.)

LIBEL FILED: October 27, 1953, Northern District of New York.

ALLEGED SHIPMENT: On or about July 18, 1953, by the Taormina Co., from Donna, Tex.

PRODUCT: 214 cases, each containing 100 cans, of tomato paste at Syracuse, N. Y.

LABEL, IN PART: (Can) "Tomato Paste Salsadipomidoro * * * Polly Brand Contents Six Ounces."

NATURE OF CHARGE: Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato paste since it contained less than 25 percent of salt-free tomato solids, the minimum permitted by the definition and standard.

DISPOSITION: December 10, 1953. Default decree of condemnation and destruction.

20939. Misbranding of tomato puree. U. S. v. 546 Cases * * *. (F. D. C. No. 35253. Sample No. 27606-L.)

LIBEL FILED: May 19, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about April 10, 1953, by the A. M. Beebe Co., from San Francisco, Calif.

PRODUCT: 546 cases, each containing 24 cans, of tomato puree at New York, N. Y.

LABEL, IN PART: (Can) "Au Gourmet Contents 6 Lbs. 10 Oz. Fancy Extra Heavy Tomato Puree 1.07 Specific Gravity."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. (Examination showed that the article was short weight.)

DISPOSITION: July 14, 1953. Martinez Food Canners, Ltd., Martinez, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

NUTS AND NUT PRODUCTS

20940. Adulteration of shelled peanuts. U. S. v. 197 Bags * * *. (F. D. C. No. 35527. Sample No. 43494-L.)

LIBEL FILED: October 6, 1953, Northern District of California.

ALLEGED SHIPMENT: On or about March 25, 1953, from Suffolk, Va.

PRODUCT: 197 100-pound bags of shelled peanuts at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect webbing, and insect excreta. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 17, 1953. The Sierra Candy Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and the court ordered that the product be released under bond for the purpose of cleaning under the supervision of the Department of Health, Education, and Welfare.

As a result of the cleaning operations, 180 pounds of the product were found unfit and were denatured.

20941. Adulteration of shredded coconut and poppyseed. U. S. v. 2 Bags, etc.
(F. D. C. No. 35931. Sample Nos. 61965-L, 61966-L.)

LIBEL FILED: October 27, 1953, District of Nebraska.

ALLEGED SHIPMENT: On or about November 13, 1952, and August 31, 1953, from Chicago, Ill., and New York, N. Y.

PRODUCT: 2 100-pound bags of shredded coconut and 1 75-pound drum of poppyseed at Schuyler, Nebr.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insects; and, Section 402 (a) (4), the articles were held under insanitary conditions whereby they had become contaminated with filth. The articles were adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: November 13, 1953. The owner of the products having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be destroyed.

POULTRY

20942. Adulteration of dressed poultry. U. S. v. 267 Pounds * * *. (F. D. C. No. 35674. Sample No. 51924-L.)

LIBEL FILED: On or about October 6, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about September 20, 1953, by J. E. Parker & Co., from Eaton, Ohio.

PRODUCT: 267 pounds of dressed poultry in 4 crates at New York, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of dirty birds and of a decomposed substance by reason of the presence of decomposed birds, and it was otherwise unfit for food by reason of the presence of extensively bruised birds; and, Section 402 (a) (5), the article was in whole or in part the product of a diseased animal.

DISPOSITION: October 22, 1953. Default decree of condemnation and destruction. On November 4, 1953, the decree was amended to provide for the delivery of a portion of the product to the Food and Drug Administration and for the destruction of the remainder.

20943. Adulteration of dressed turkeys. U. S. v. 215 Pounds * * *. (F. D. C. No. 35677. Sample No. 51925-L.)

LIBEL FILED: On or about October 6, 1953, Southern District of New York.

ALLEGED SHIPMENT: On or about September 21, 1953, by the Penobscot Poultry Corp., from Belfast, Maine.